

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARGARET ANN LAFKO
Supervising Deputy Attorney General
3 LORETTA A. WEST, State Bar No. 149294
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2064
Facsimile: (619) 645-2061
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9 Attorneys for Complainant

10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2008-67

14 **EMMALYN DEGUZMAN CUBILLO**
2433 Plaza Eva
15 Chula Vista, California 91914

A C C U S A T I O N

16 Registered Nurse License No. 544294

17 Respondent.

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19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

23 **Registered Nurse License**

24 2. On or about June 23, 1998, the Board of Registered Nursing issued
25 Registered Nurse License Number 544294 to Emmalyn DeGuzman Cubillo ("Respondent"). The
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on October 31, 2007, unless renewed.

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1 8. **DRUG**

2 “Dilaudid,” a brand of hydromorphone, is a Schedule II controlled substance as
3 designated by Health and Safety Code section 11055, subdivision (b)(1)(K), and a dangerous
4 drug under Code section 4022 in that under federal or state law it requires a prescription.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Gross Negligence)**

7 9. Respondent’s license is subject to discipline under Code section 2761,
8 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about November 25,
9 2003, while on duty as a registered nurse at Kaiser Permanente, San Diego, California, and caring
10 for B.P., a post-operative patient, Respondent committed acts constituting gross negligence, as
11 defined in California Code of Regulations, section 1442. Respondent administered Dilaudid, 8
12 mg intravenously instead of Morphine 8 mg to patient B. P., causing B.P. to be unresponsive,
13 which resulted in a code blue.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 10. Respondent is subject to discipline under Code section 2761, subdivision
17 (a), on the grounds of unprofessional conduct, as more particularly set forth in paragraph 9,
18 above.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 544294, issued
23 to Emmalyn DeGuzman Cubillo;

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1 2. Ordering Emmalyn DeGuzman Cubillo to pay the Board of Registered
2 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code
3 section 125.3; and,

4 3. Taking such other and further action as deemed necessary and proper.
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6 DATED: 8/14/07
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9 RUTH ANN TERRY, M.P.H., R.N.
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 Complainant
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